

REMARKS

Claims 2, 3, 5, 8, 10-13 and 15 have been amended and claims 1 and 16-32 have been cancelled without prejudice. No new matter is believed to be added by way of this amendment.

Applicants gratefully acknowledge the indication that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 11 has been rewritten in such format and therefore is allowable. Further, claims 2-10 and 12 -15 are believed to be allowable in view of the following comments.

Independent Claim 3:

Claim 3 was rejected under 35 U.S.C. §102(b) as being anticipated by Boebel, et al. (U.S. 5,454,834) and under 35 U.S.C. §102(e) as being anticipated by Yoon (U.S. 5,810,851).

Claim 3 has been rewritten in independent form and amended to recite “further comprising a suture and at least one needle releasably attached to said fastener through said suture.”

Boebel, et al. does not disclose a needle releasably attached to the fastener through a suture. Boebel, et al. discloses “a surgical suture material with a thread 1, one end of which is connected in a molded manner to a needle 2” (col. 8, lines 39-41). Although Boebel, et al.’s suture (fastener) is attached to the needle, it is clearly not “releasably attached” to the needle. In other words, Boebel, et al. discloses a molded attachment and not a releasable attachment. To consider Boebel, et al.’s attachment to be a releasable attachment would be tantamount to saying that any two parts that are molded to one another are “releasably attached” to one another. Applicants submit that such an interpretation is untenable.

Boebel, et al. also does not disclose or suggest a tissue connector assembly comprising a fastener, at least one restraining device, and a needle releasably attached to the fastener through a suture. Boebel, et al. discloses a fastener in the form of a suture. Boebel, et al.’s fastener does not comprise another suture, let alone another suture through which Boebel, et al.’s needle is releasably attached to the fastener. Boebel, et al. further does not disclose a suture and a fastener

that comprises wire as set forth in claims 5-7.

Yoon does not disclose or suggest the suture recited in claim 3.

Applicants request withdrawal of the rejection of claim 3 as well as claims 4-10 and 12-14, which directly or indirectly depend from claim 3.

Independent Claim 15:

Claim 15 was rejected under 35 U.S.C. §102(b) as being anticipated by Boebel, et al. (U.S. 5,454,834) and under 35 U.S.C. §102(e) as being anticipated by Yoon (U.S. 5,810,851).

Neither Boebel, et al. or Yoon disclose or suggest a restraining device which includes a lock. Accordingly, Applicants request withdrawal of the rejection of claim 15, which has been rewritten in independent form.

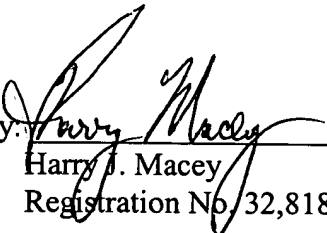
If the Examiner maintains any of the foregoing rejections, Applicants request that the Examiner clearly point to specific examples in the cited references that support any rejection so maintained.

Applicants submit that the pending claims are now in condition for allowance and respectfully request the issuance of a formal Notice of Allowance at an early date. If a telephone interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided below.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due, including additional claims fees, in connection with the filing of this document to Deposit Account No. 50-1947 referencing Attorney Docket No. CSI-2015.

Respectfully submitted,

Date: June 23, 2004

By: 
Harry J. Macey
Registration No. 32,818

LAW OFFICE OF HARRY J. MACEY
1301 Shoreway Road, Suite 121
Belmont, California 94002-4106
Telephone: 650.654.9555
Facsimile: 650.654.9554